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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

SENEGAL

[12 September 1994]

CONTENTS

	Paragraphs	Page
Introduction	1 - 3	3
MEASURES FOR CONCRETE APPLICATION OF THE CONVENTION	4 - 219	3
Article 1	5 - 6	3
Article 2	7 - 10	3
Article 3	11 - 17	4
Article 4	18 - 21	5
Article 5	22 - 32	6
Article 6	33 - 39	8
Articles 7 and 8	40 - 47	8
Articles 9 and 10	48	9
Article 11	49 - 52	9
Articles 12 to 15	53 - 59	10
Article 16	60 - 63	11
Article 17	64 - 66	12

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CONTENTS (continued)

	Paragraphs	Page
Article 18	67	12
Article 19	68 - 75	12
Articles 20 and 21	76 - 90	14
Article 22	91 - 93	16
Article 23	94 - 96	16
Article 24	97 - 118	17
Articles 25 to 29	119 - 148	20
Article 30	149 - 150	24
Article 31	151 - 155	24
Article 32	156 - 165	25
Article 33	166 - 174	26
Article 34	175	28
Article 36	176	28
Article 37	177 - 204	28
Article 38	205 - 207	31
Articles 39 and 40	208	32
Articles 41 and 42	209 - 211	32

Introduction

1. The Convention on the Rights of the Child was adopted by the United Nations General Assembly on 20 November 1989 and Senegal ratified it on 31 July 1990 prior to its entry into force on 2 September of that year.

2. This Convention unquestionably constitutes a commitment for the future of mankind, since respect for human rights begins with the way society treats its children. A society that cares about its children will give them freedom and dignity by creating the necessary conditions for them to realize their full potential and be able to look forward to leading a full and satisfying adult life. The Convention is also far-sighted, recognizing as it does that it will be for today's children (who make up half the world's population) to take up tomorrow the continuing task of creating a just and equitable social order.

3. Even before the advent of this instrument, the Republic of Senegal had, immediately upon achieving national sovereignty, devised and put into effect a policy of child development which is in complete accord with the relevant provisions of the Convention. This will become evident when we compare the legislative, administrative and legal measures described below with the provisions of the Convention.

I. MEASURES FOR CONCRETE APPLICATION OF THE CONVENTION

4. Our procedure in this report will be to consider seriatim the rights recognized under the Convention on the Rights of the Child and review the legislative, administrative, legal or other measures already in force or adopted by the Government of Senegal to put them into effect.

Article 1

5. A scrutiny of Senegalese legislation shows that there exist several types of majority in this country. Thus civil majority, attained upon reaching the age of 21, allows the child to engage in all the activities of civic life, without needing to be covered by the person who exercises parental authority over him (Family Code, art. 276). In addition to this kind of majority there is penal majority, upon whose attainment at the age of 18 years, in accordance with the Penal Code, the child becomes liable to criminal sanctions subject to conditions which will be specified when we consider article 40 of the Convention.

6. It should be noted that Senegalese legislation seeks to ensure respect for the rights of the child from the moment of conception (Family Code, art. 1).

Article 2

7. In Senegal the enjoyment of rights without discrimination is established by the Constitution as far as those recognized in the Constitution and the relevant international instruments are concerned. Thus, article 1 of the Constitution guarantees equality before the law of all its citizens without distinction as to origin, race, sex or religion, and respect for all faiths. Article 4 declares any act of racial, ethnic or religious discrimination, as also any regionalistic propaganda that may be prejudicial to the security of

the State, to be punishable. Article 7 proclaims the equality of all human beings before the law and the legal equality of men and women, and declares that in Senegal there are no privileges attaching to place of birth, to person or to family.

8. Pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination, Senegalese legislation reproduces the relevant definition of the concept of discrimination, as set out in that Convention, in article 283 bis of the Penal Code, which states that:

> "Racial, ethnic or religious discrimination shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin, or religion which has the purpose or effect or nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

9. Furthermore, a number of provisions of the Penal Code, the Code of Criminal Procedure and the Associations Act have been amended to bring them into line with this Convention. Thus article 166 bis of the Penal Code prescribes a penalty of between three months' and two years' imprisonment and a fine of between 10,000 and 200,000 CFA francs for any administrative or judicial official, or any official holding elective office, who without due cause and from motives of racial, ethnic or religious discrimination denies any natural or legal person the enjoyment of a right.

10. It is under these constitutional and legislative provisions that every child living in Senegal is guaranteed the enjoyment of all the rights accorded to him under Senegalese legislation and the instruments enacted in the human rights sphere, including the Convention with which this report is concerned.

Article 3

11. Relations between children and their families are governed by article 15 of the Constitution, which provides that "it shall be the natural right and duty of the parents to bring up their children. They shall, in this task, receive the support of the State and of the public communities."

12. The Family Code took this constitutional principle as a basis when establishing regulations concerning these relations; for parents, parental authority comprises the right of custody, the right to educate their children and the right of legal administration of the child's property. One of the legal consequences of parental authority is provided for in article 13 of the same Code, which assigns to the minor a legal domicile which he cannot leave without his parents' permission.

13. Under articles 289 to 291 of the Family Code, the parental authority can be delegated to a person of full age and possessing legal capacity, who must be approved by the president of the departmental court and who shall take the child under his charge and protection, providing for his needs. Notwithstanding, the person to whom parental authority is delegated is jointly responsible with the parents for any damage caused by the child to a third party.

14. The Family Code also governs the provision made for the child in the event of the parents' divorce. Thus, when the divorce suit is filed by mutual consent, the judge to whom the case is referred has the overriding authority to determine the provision to be made for the common children of the marriage and can oppose the parents' separation if it is likely to harm the interests of the children.

15. These special ties attaching the child to its parents reflect the principle laid down in article 155 of the Family Code, which stipulates that, by marrying, the spouses assume the obligation to feed, support, bring up and educate their children. Hence all the provisions concerning the arrangements to be made for the child strongly encourage maintenance of the ties between child and parents.

16. Finally, where unification of the family in the children's interest is concerned, Senegalese legislation puts no obstacles in the way of a foreign parent wishing to immigrate into Senegal for that purpose.

17. Parents' right to bring up their children and the duty of the public authorities to assist them are established by article 15 of the Constitution. This principle is reflected in article 155 of the Family Code, which is wh in a case where the parents have difficulty in settling their children because their education had not achieved its purpose, the State has set up within the Ministry of Justice a Department of Supervised Education and Social Welfare, whose area of responsibility is "the protection and re-education of young persons under 25 years of age who are delinquents or in moral or social danger". To this end it conducts preventive activities and social and family rehabilitation targeted towards young persons, their families and the social environment. Its services are subdivided into central and external.

Article 4

18. To ensure that the child's rights as recognized under the Convention are effectively enforced, the Government of Senegal, as we have already indicated, has established an appropriate institutional framework for promoting effective implementation of all these rights.

19. The assistance of UNICEF and of ILO, together with the support of all its partners (national and foreign), has enabled Senegal to take the most appropriate measures for far more committed protection of the rights of the child. Full particulars of these measures are given in a later part of this report.

20. As regards activities undertaken in the sphere of international cooperation, particular mention must be made of the major programme of debt redemption in aid of children which Senegal has launched with the assistance of the Netherlands Committee for UNICEF.

21. The cancellation of the Argentine debt, which has been converted and assigned exclusively to the financing of the programmes provided for in the plan of operations agreed with UNICEF for an overall total of US$ 11,021,275, bears ample witness to the desire of the partners of the Senegalese State to respond positively to the appeal addressed to them by the President of the Republic at the World Summit for Children.

Article 5

22. As already stated, not only does the State respect the right of parents to bring up their children, it also helps them in case of difficulty. Thus it has established a framework for the protection of children in difficulty. Within that framework, the Department of Supervised Education referred to above plays a key role. In the structure of that department, the central services are composed of an administrative and financial division and a division of educational action and social welfare.

23. Decree No. 81-1047 of 29 October 1981 lays down the rules for the organization and functioning of the external social welfare services. These external services, according to this Decree, comprise:

(i) The boarding institutions - the social welfare centres (CPS) and the social adjustment centres (CAS);

(ii) The open-system educative action (AEMO) services;

(iii) The multipurpose centres;

(iv) The regional inspectorates.

24. The function of these external services is to provide protection, re-education and training for young persons under 21 years of age committed to their care by a court ruling. To this end, they conduct preventive and social and family rehabilitation activities addressed to the young persons, their families and the social environment, providing social welfare under court supervision and bringing to bear every available means of remedying the educational deficiencies detected in the juveniles entrusted to their care.

Boarding institutions

25. The role of the boarding institutions (CPS and CAS) is to ensure, through the application of a variety of methods and procedures in the realm of educational psychology, that the young persons receive follow-up, accommodation and educational guidance. To this end they comprise one or more technical sections and a production cooperative.

Open-system educative action and social welfare (AEMO) services

26. Such a service is attached to every regional or departmental court and is composed of multifunctional teams, including specialized educators, social workers and other specialists. It comprises three offices concerned respectively with social welfare, educative action and non-custodial supervision. These offices conduct, for the benefit of young persons under 25 years of age:

(i) Follow-up and re-education under the open system;

(ii) Prevention, in particular through action upon the young people's home environments;

(iii) Social surveys both in the family sphere and in the context of the protection of minors.

27. It should be noted, further to what has been said above about the custody of the children in the event of their parents' divorce, that the judge to whom the case is referred bases his decision as to the award of custody on the social survey report presented by the AEMO service and indicating in particular in which place the best interests of the children would be best served.

Safeguard centres (CS)

28. To these centres are assigned, by court order, young offenders or minors in moral or social danger within the meaning of article 593 of the Family Code and articles 293 et seq. of the Code of Criminal Procedure. Their functions comprise:

(i) Educating the juveniles placed in them, which includes exercising a stabilizing effect on them through educational psychology and, in particular, providing them with basic vocational training and general instruction;

(ii) Prevention of juvenile delinquency by giving opportunities for appropriate social and educational activities to young people in the neighbouring areas who are resistant to normal forms of supervision.

Multipurpose centres

29. The functions of these centres include reception, observation, stabilization, re-education and social rehabilitation of juveniles placed in them by court order through the application of appropriate psychological and educational techniques. They comprise, at the various levels, a reception section, an observation and guidance section, and an open-system educative action section. They also include classes providing basic and advanced teaching, technical sections, occupational therapy workshops, a production cooperative, and a section for physical and sports education and leisure activities.

Regional inspectorates

30. These are responsible for coordinating the activities of the facilities and units established in a given administrative region and representing the Department of Supervised Education and Social Welfare at that level.

31. With regard also to the guidance received by the child and to the development of his aptitudes in relation to the guiding role of the parents, the members of the extended family or the community, it should be noted that the means of action available to the State are often supplemented by private initiatives, for example: a child guidance centre, reception and assistance centres for children in particularly difficult situations, the Malika Koranic school (daara), and the SOS children's villages.

32. Operating a highly progressive social security system (payment of welfare allowances to parents with dependent children, maternal and child welfare centres, early detection of diseases, social centres, day nurseries), the State is a committed partner in the discharge by parents of their responsibilities towards their children.

Article 6

33. The right to life and to physical integrity is recognized in the Constitution of Senegal, article 6 of which provides that every person shall have the right to live and shall be entitled to physical integrity on the conditions determined by law. The same article begins by declaring the principle of the sanctity of the human being and makes it the duty of the State to respect and protect the human person.

34. These principles follow from the fact that nobody can be deprived of life except in accordance with the law and on the conditions determined therein. Thus the death penalty, which remains in force in Senegal, is pronounced by a specialized tribunal, namely the Court of Assize, composed of professional magistrates and jurors. The carrying-out of that penalty is also governed by strict formalities whereby any publicity on the matter is forbidden.

35. In all cases the law formally precludes the passing of a death sentence on a minor under 18 years of age (Penal Code, art. 52). It should be noted that, though still listed among the penalties applicable in Senegal, the death sentence has been carried out only twice in 34 years of independence.

36. Regarding the right of every child to development, this too is recognized in article 6 of the Constitution, which provides that "Every person shall have the right to freely develop his personality, in so far as he does not violate the rights of others or adversely affect the order of law."

37. In pursuance of this constitutional principle, Senegal has instituted a development model based on free enterprise and freedom of transaction. Private initiative is burdened by no constraints. The efforts on the part of the State to promote the restructuring of the informal sector are a perfect case in point.

38. With more specific reference to the survival and development of the child, it should be noted that the Senegalese Government has adopted important measures to ensure full realization of the child's physical and mental potential. These measures will be considered in detail in the succeeding paragraphs.

39. The health care of children, their education and the organization of their leisure activities must be accompanied by effective protection against any kind of impairment of their physical or mental integrity. Thus abortion performed without legal authorization and infanticide are severely punished under Senegalese criminal law.

Articles 7 and 8

40. The right to proper citizen status implies that, from birth, the child should have that first medium of identification, a name, and that other identifying element, a nationality, and that both should be registered by the competent civil registry authority.

41. In Senegal, article 51, paragraph 1, of the Family Code lays down the principle that every child born on Senegalese territory must be registered within 45 days. This time-limit can be extended by one year provided the informant produces a delivery certificate when making the delayed declaration.

Beyond this time-limit, the Government Procurator can at any time request the civil registry officer to accept a birth declaration that has not been made within the allotted time.

42. This obligation to register the child at birth is also applicable to stillbirths, which are entered in the register of deaths. The same applies to any newborn child discovered, or to a foundling, as also to a child born aboard a ship or aircraft.

43. Regarding the right to receive a name at birth, article 3 of the Family Code provides that a legitimate child bears his father's name, and that in case of repudiation he takes the name of his mother. A foundling with no known parentage bears the name assigned to him by the civil registry officer. The patronymic, as a key element in the identification of the individual, is protected against any misuse under Senegalese law.

44. As regards every child's right to a nationality, it must be borne in mind that nationality is a bond of allegiance, both political and legal, which binds an individual to a political State and whose quid pro quo is citizenship, i.e. entitlement to enjoy the civic rights attaching to that capacity. When a child is born within a country, international public policy requires that he be assigned to that political State in the first instance. He is free subsequently to opt for the nationality of his parentage when he reaches civil majority.

45. Senegalese nationality law is based on both jus soli and jus sanguinis, but Senegalese nationality can also be acquired by act of the authorities or naturalization. Thus, under article 1 of Act No. 61-10 of 7 March 1961 establishing the Nationality Code, "Any child born in Senegal of a parent also born there shall be Senegalese". Should proof of the parent's birth in Senegal be impossible to establish, a child born in Senegal is considered as a Senegalese national if he has always possessed the apparent status of such a national i.e. behaved publicly and consistently like a Senegalese, and been considered as such by the Senegalese authorities and public.

46. Senegalese nationality may also be claimed by an adopted natural child who can prove a connection with an ascendant of Senegalese nationality.

47. Finally, a minor aged 18 years can apply for naturalization without his parents' permission.

Articles 9 and 10

48. See comments on article 3.

Article 11

49. Senegal's reprobation of slavery and trafficking in persons prompted it, immediately after independence, to accede to all existing international instruments relating to these shameful practices. These instruments are the following:

> International Arrangement to ensure protection against the criminal traffic known as the "white slave traffic", signed in Paris on 18 May 1904;

Slavery Convention, signed at Geneva on 25 September 1926;

International Convention for the Suppression of the Traffic in Women of Full Age, signed in Paris on 11 October 1933;

Convention on the Prevention and Punishment of the Crime of Genocide, signed on 9 December 1948;

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, approved by the General Assembly of the United Nations on 2 December 1949;

Protocol amending the Slavery Convention of 1926, approved on 23 October 1953;

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted on 7 September 1956;

International Convention against the Taking of Hostages, adopted by the United Nations on 17 December 1979.

50. At the national level, the Constitution, in article 11, establishes the principle that no person may be subjected to security measures except in the cases provided for by law. On the basis of this principle, the Penal Code has listed several offences relating to abduction and sequestration and provided that involvement of a child constitutes an aggravating circumstance. Thus, article 338 of the Code establishes penalties of imprisonment (5 to 10 years) for persons found guilty of abducting, concealing or suppressing a child or replacing one child by another. Article 324 of the Code provides for two to five years' imprisonment and a fine of CFAF 4 million for persons found guilty of procuring with use of a minor child.

51. Abduction of a minor with use of fraud and violence is provided for in article 346 of the Penal Code. If the abducted minor is killed, the penalty is execution. Abduction without fraud or violence against a child below the age of 18 is, under article 348 of the Code, punishable by two to five years' imprisonment. Article 334 of the Penal Code establishes the penalty of forced labour (for 10 to 20 years) for traffic involving a child under the age of 15 years. Detention of a person received as security is provided for in the same article, which establishes a penalty of imprisonment for one month to two years and a fine of CFAF 150,000.

52. The taking of hostages with the aim of preparing or facilitating the perpetration of a serious or ordinary offence is punishable by death under article 337 bis. There can be no attenuating circumstances when the hostage is killed in the course of the abduction.

Articles 12 to 15

53. The freedoms provided for in these articles of the Convention are set forth in article 19 of the Constitution and guaranteed by the Penal Code, which establishes penalties for their violation. In this connection,

reference may be made to the peaceful coexistence of all revealed religions in Senegal. Articles 230 et seq. of the Penal Code guarantee the free practice of worship in this country.

54. Article 8 of the Constitution permits each person freely to express and propagate his opinions through speech, writing and image. This right is limited only by the law and regulations, and by respect for the honour of others.

55. The first consequence of this principle is the large number of newspapers and periodicals available throughout the country. At present, the media are more active in Senegal than anywhere else in Africa, as a very large number of foreign radio and television broadcasts can be received in our country. All the media exist in harmony with each other, to the satisfaction of the Senegalese people.

56. The second consequence is political pluralism, with the growth of political parties of all persuasions, all functioning in conformity with the Constitution and the legislation relating to political parties.

57. Freedom of peaceful assembly and association is provided for in article 9 of the Constitution and enforced by special legislation which distinguishes between associations for profit-making purposes, trade unions and political parties. One feature common to all is the complete freedom to form such groups, a freedom which is subject only to the formality of giving due notice to the administrative authorities. Senegal has a substantial number of associations (over 3,000), trade unions (over 60) and political parties (about 20).

58. In connection with the freedom to hold peaceful assemblies, Act No. 78-02 relating to assemblies makes a distinction between public assemblies, which are subject to prior authorization by the authority responsible for law and order, and private assemblies, which are free of any such requirement.

59. The institution in Senegal, at both the national and local levels, of the "Children's Parliament" reflects the concern of the Senegalese authorities to ensure that children are fully able to exercise their freedoms as recognized by the Convention. This "Parliament" has the right to give an advisory opinion on all matters relating to children (legislation, regulations, special events, etc.).

Article 16

60. The right to inviolability of the home is guaranteed by article 13 of the Constitution, which furthermore provides that searches or domiciliary visits may be ordered only by a judge or by authorities designated by the law prescribing the relevant procedures.

61. Pursuant to this principle, articles 55 et seq. of the Code of Criminal Procedure determine the conditions in which police officers investigating a serious or flagrant offence may undertake searches or domiciliary visits.

62. Article 164 of the Penal Code establishes violation of the home as an offence punishable by imprisonment and a fine.

63. The Constitution recognizes the right to secrecy of correspondence in article 10, which provides for derogation from this right only in cases stipulated by law. The Penal Code also establishes penalties for violation of the secrecy of correspondence.

Article 17

64. The access of the child to appropriate information constitutes the fundamental objective of the "Pleading the cause of children" programme in the plan of action agreed on with UNICEF. Articles and programmes in the media, awareness-raising in schools and information workshops on the Convention constitute the main activities under this programme.

65. The media, both public and private, contribute to the growth of these activities; a number of radio and television programmes are accordingly devoted to children, who in some cases play a leading role in them ("Ngonal-Pasteef", "A l'école des parents", etc.). The Nouvelles Editions Africaines company publishes highly educative books (short stories, legends, etc.) for children. Similarly, UNICEF has put into operation a "Cinébus" intended to disseminate practical information in the most remote villages in Senegal.

66. Lastly, reference should be made to the existence in Senegal of a cinematographic censorship commission responsible for ensuring that information and material intended for children are not harmful to them. A substantial awareness-raising and information campaign, supported by broad social awareness-raising, is being focused on parents and other educators to ensure that the most useful information, i.e. that aimed at promoting the social, spiritual and moral welfare and physical health of the child is actually received by children.

Article 18

67. See comments on article 5.

Article 19

68. Even before its accession to the various international human rights instruments relating to the problem of child neglect, the Republic of Senegal had made provision for it in 1960 in the Constitution. Thus, in article 15, paragraph 2, it is expressly stated that the child is protected by the State and the public communities against exploitation and moral neglect.

69. Subsequently, in acceding to the International Covenant on Economic, Social and Cultural Rights, our country took particular note of article 10, paragraph 3, of the Covenant, which enjoins States parties to take special measures of protection and assistance for all children, without discrimination of any kind.

70. The same goes for the International Covenant on Civil and Polit'cal Rights, which recognizes that every child, without discrimination on the part of his family, society or the State, has the right to protection as required by his status as a minor (art. 24). It is pursuant to these principles that the measures of protection have been provided for in the Family Code and the

Code of Criminal Procedure, as indicated above. Similarly, the Department of Supervised Education and Social Welfare has been set up precisely for the purpose of implementing these measures within the State.

71. The measures taken at the judicial level always necessitate the intervention of the Judiciary, either following an offence or in cases where there is no question of prosecution but where the child is simply in moral, social or physical danger. In all cases, the juvenile court must have an application before it, although under the relevant legislation, the court may act ex officio in taking up the case of a child in moral danger. The investigation ordered by the court must cover the personality of the child, with medical, psychiatric and psychological tests, and his vocational interest. It will be carried out by an authorized public or private service. The court's decision is taken in chambers and notified to the parents. It will be for provisional enforcement.

72. If responsibility for the child is entrusted to the Department of Supervised Education, he will enter one of the centres described above. Senegalese legislation designed to protect the child against all forms of physical or mental abuse is copious and diverse.

73. The Ministry of Health and Social Welfare, in conjunction with UNICEF, has initiated a programme to assist children "in particularly difficult situations". The programme comprises two projects:

(a) "Talibés project", aimed at improving the living conditions and education of 20,000 Talibés in rural and urban areas;

(b) Study and research project on children in a particularly difficult situation (apprentices and female domestic servants in urban areas, Talibé beggars and their migration within the country).

For these projects the State makes an annual contribution of US$ 200,000 in food (already 310 tonnes of rice have been provided and a subsidy of CFAF 30 million granted for the purchase of food, in addition to the CFAF 12 million paid in the form of a subsidy to the daaras). UNICEF also makes a contribution of up to US$ 600,000 a year to this programme.

74. With the scheduled extension in 1994, educational activities will be incorporated after testing in the daaras which apply for assistance. Pursuant to Decree No. 69-1054 of 23 September 1969 and Decree No. 60-245 of 13 July 1960, maintenance allowances have been payable to orphaned or abandoned needy minor children and to disabled children. Thus, in the current year, 333 orphaned or abandoned children have received assistance totalling CFAF 8 million. Over the same period, 127 Koranic schools and other institutions have received subsidies totalling CFAF 22,061,000.

75. Specialized organizations for disabled children, notably the Centre l'Abri, receive subsidies of up to CFAF 250,000 a year. Their appliance needs are also covered in the global package of CFAF 5 million allocated for this area of activity.

Articles 20 and 21

76. Adoption is a legal mechanism which creates a link of artificial filiation in addition to legitimate and natural filiation. Adoption may be full, in which case the child takes the name of the person who adopts him and loses that of his family of origin; or it may be limited, in which case the child keeps the name of his family of origin, to which is added the family name of the person who adopts him. In both cases, the purpose of adoption is to place the child in a family other than that of his family of origin, either temporarily or permanently. For this reason the Legislature, in the Family Code, has introduced a number of measures which all have the effect of protecting the child in the artificial family thus created. These measures of protection take various forms in the Code.

77. As regards the underlying principle, article 223 stipulates that in all cases adoption may take place only if there are proper grounds for it and if it will entail benefits for the adopted child. As to conditions, articles 224 and 225 provide that full adoption may be requested by two spouses after five years of marriage, by one spouse in respect of the children of the other spouse and by any unmarried person over the age of 35. The Code further sets the minimum age difference between the adoptive parent and the adopted child at 15 years and, if the adoption involves the child of the spouse, 10 years (art. 225).

78. Except where authorized by the President of the Republic, the adoptive parent must, on the date of the application to adopt, have neither a child nor a lawful descendant. However, in the case of joint adoption by both spouses or adoption by one spouse of a child of the other spouse, it is essential that there should not be a common child on that date. The law forbids the adoption of a child by several persons, but permits a new adoption in the event of the death of the adoptive parents.

79. Adoption may involve only one unemancipated minor child, who will be taken into the adopting home. It is also essential that the father and mother or the family council should have consented to the adoption or that the child should have been declared abandoned.

Full adoption

80. As regards procedure, articles 230 et seq. of the Family Code require the consent of the family of origin and that of the child if he is over 15 years of age. This consent is given before the president of the departmental court responsible for family matters. It may be retracted within a period of three months in the same circumstances.

81. Adoption begins with the placement of the child, as decided by the president of the court of the region of residence of the child on the application of the adoptive parent, the family council or a specialized department; the application must be accompanied by a number of documents, including the child's birth certificate, the deed of consent and evidence that the child has been given a home for more than three months. Placement bars return of the child to his family of origin.

82. The application for adoption is submitted in person by the adoptive parent to the competent regional court, together with the child's birth certificate and the declaration of consent by the natural parents, who are informed of the date of the hearing at which the application is to be examined in the presence of the government procurator. The court, after having ascertained that all the legal conditions have been fulfilled, orders adoption in a decision whose operative part indicates the new surname and forenames of the adopted child and the other details which have to be entered in the civil register. The decision is open to appeal by any of the parties involved and by the government procurator within one month of the date on which it was delivered. The decision of the court of appeal must be transcribed in the civil register within a period of 15 days.

83. The effects of the decision run from the date of deposit of the application to adopt with the competent court. Full adoption confers on the child a filiation which replaces his filiation of origin; he ceases to belong to his natural family, but remains subject to the bars on marriage. Adoption confers on the child, in his relations with the family of the adoptive parents, the same rights and the same obligations as those of a natural child. Full adoption is irrevocable.

Limited adoption

84. The conditions are the same as for full adoption, except that, as regards effects, the adopted child remains related to his family of origin, within which he retains all his rights, including his rights of succession. At the request of the adoptive parent, the adopted child or the government procurator, this type of adoption may be revoked by a decision of the court which issued the adoption decision if there are serious grounds for such revocation.

Delegation of parental authority (foster care)

85. The other legal mechanism involving placement of the child outside his family is delegation of parental authority, which has been referred to above.

86. Delegation of parental authority is provided for in articles 239 et seq. of the Family Code, which also embody a large number of measures intended to protect the child concerned. In accordance with article 289, parental authority may be delegated only by the father or the mother (and not by the guardian) when they are unable to assume responsibility for the maintenance and upbringing of the child. The person chosen must be approved by the president of the departmental court competent in the matter and must be in possession of a request by one of the parties; all the parties are required to appear at the court hearing.

87. When all the legal conditions have been fulfilled and taking account of the interest of the child, the judge approves the person to whom parental authority has been delegated and specifies the rights and duties vested in him. The decision is open to appeal before the regional court as from the date on which it was delivered and, in the case of the government procurator, as from the date on which he was informed of it.

88. As regards effects, it should be noted that the foster parent has, vis-à-vis the child, those rights and duties that are vested in him by the court. He bears civil liability, jointly with the natural parents, for any damage caused by the minor child, in accordance with the rules of law and of civil liability.

89. The child is not deprived of any of his rights deriving from filiation and, in particular, retains his rights of succession within his family.

90. Delegated authority has the same duration as parental authority itself. However, at the request of the natural parents, the foster parent or the government procurator, the president of the court may terminate the delegation if the foster parent asks to be discharged from it or if the natural parents regain the means of meeting the child's needs. In all cases, the judge's decision is open to appeal before the regional court.

Article 22

91. Senegal has no problem involving indigenous populations, since all the inhabitants of the country constitute a single people.

92. On the other hand, Senegal has been a country of asylum for many years, owing to the security which exists there and the hospitality of its population. For this reason, Act No. 68-27 of 24 July 1978 defined the conditions of admission to refugee status, in conformity with the relevant provisions of the Geneva Convention of 28 July 1951 and the 1967 Protocol relating to the Status of Refugees, and also the Organization of African Unity Convention of 1989 governing the Specific Aspects of Refugee Problems in Africa.

93. In accordance with article 7 of the Convention in relation to the exercise of a profession, States parties are required to apply to refugees the same regime as that which they apply to aliens in general.

Article 23

94. Since the initiation of the worldwide awareness-raising campaign by the United Nations system concerning the fate of disabled persons, all States have become aware of this important question. Senegal is no exception and, like all other States, recognizes that mentally or physically disabled children have a right to lead a full and decent life in conditions that guarantee their active participation in the life of the community.

95. For this reason, disabled children receive special care, both at the artificial limb supply centre in Dakar and the ophthalmological centre in Bopp, and at the education and rehabilitation centre for visually disabled children, which teaches them to read Braille. The various departments concerned spare no effort to assist disabled children; they do so free of charge whenever the financial resources of the State permit.

96. At the international level, Senegal is engaging in intensive activity within the specialized organizations to assist physically or mentally disabled children and, for the recipients of international assistance, the results are daily apparent.

Article 24

97. Regarding the right to health, the general state of health of the Senegalese population has improved significantly with the disappearance of the great scourges (plague, yellow fever, anthrax). Life expectancy increased from 38 years in 1960 to 58 years in 1990.

98. The mortality rate is between 500 and 1,000 deaths per 100,000 live births. In rural areas the rate is 450 per 100,000. According to data obtained under the maternal mortality prevention project in Senegal, the causes and indices of this mortality are as follows:

Haemorrhage at childbirth, 41 per cent;
Various kinds of infection, 21 per cent;
Hypertension, 7 per cent;
Cardiopathy, anaemia, etc., 31 per cent.

99. The mortality rate for infants and children under the age of five in Senegal is estimated to be 86 per 1,000 births, which represents a decline of 28 per cent compared to the rate of 120 per 1,000 births in 1971-1975.

100. The most recent data are taken from regional studies. Thus, the study on Saint-Louis (in the Senegal River region) shows a low mortality rate for children under the age of 5. The rate is 68.9 per 1,000 births, an increase of 0.7 per cent compared to the previous year. Deaths of children under the age of five, for the same period, represented 32.3 per cent of total deaths. For infants under the age of one, the mortality rate was 56 per 1,000, an increase of 19 per cent as compared to 1987. An analysis of the causes of death in the same region in 1987 showed a predominance of infectious diseases and malnutrition, which accounted for 20 and 13 per cent of all deaths respectively.

101. In 1990, the infant-child mortality rate was 178 per 1,000, a decline of 3.8 per cent as against 1989; during the same period, the deaths of children under the age of five accounted for 59 per cent of total deaths.

102. The gross mortality rate is estimated at 15 deaths per 1,000 inhabitants, which represents a significant decline (6 per cent) compared to 1988.

103. Public health standards continue to depend, of course, on the natural environment, climatic conditions, the economic situation, and customs and practices. But they are also a function of resources, primarily the budget, medical and paramedical personnel, health infrastructure (hospitals, medical facilities) and types of action taken (health education measures for the public receiving health care) in particular, preventive and curative medicine, and hygiene.

104. However, the attainment of the goals set also depends on the policies of health programmes and strategies formulated within a global development context. Thus, whereas primary health care delivery and the launching of priority programmes (expanded vaccination, oral rehydration, family planning, tuberculosis and AIDS prevention, etc.) were the hallmarks of the 1980s, the 1990s promise to be the decade of consolidation.

105. The health budget is financed from the regular State budget and the budgets of the local communities (rural communities and communes). It is steadily decreasing for reasons relating to the structural adjustment plan that has been implemented in Senegal for some years now. Consequently, the ratio of the health budget to the overall budget declined slightly from 5.8 per cent in 1990/1991 to 5 per cent in 1991/1992.

106. The total amount of foreign aid for the period 1989-1992 is estimated at CFAF 15 billion, distributed as follows:

Multilateral aid	37 per cent
Bilateral aid	61 per cent
Non-governmental organizations	1.5 per cent
World Health Organization	0.5 per cent.

Despite the various sources of funding, difficulties persist in the operation of the health services, mainly because the budget is allocated in a routine manner, which does not take into account population growth and poor coordination between hospitals and medical centres.

107. Regarding the staff of the Ministry of Health, there have been significant developments in terms of size. At 31 December 1992, there were 5,331 employees, compared to 5,134 in 1991, including 3,511 professionals (doctors, paramedics and social welfare staff).

The ratio of health professionals to inhabitants is as follows:

3.57 doctors per 100,000 inhabitants;
2.7 pharmacists per 100,000 inhabitants;
0.8 dentists per 100,000 inhabitants;
31 nurses per 100,000 inhabitants;
0.23 midwives per 100,000 inhabitants.

There are 393 health advisers. There are 2,424 community health workers, including 420 midwives.

108. As to infrastructure, the number of hospitals doubled in 13 years, from 8 in 1970 to 16 in 1983. Facilities include:

17 hospitals, 6 of which are in Dakar;
52 health centres;
700 health stations;
502 rural maternity clinics;
1,665 rural clinics;
10 major endemic disease sectors;
4 specialized institutes;
1 mobile ophthalmological clinic;
3 psychiatric villages;
13 leper clinics;
1 artificial limb supply centre;
1 training and rehabilitation centre for physically disabled children;
1 parasite control unit;
2 police health posts on the borders;
10 regional hygiene units.

In addition, in connection with the distribution of pharmaceutical products, there are:

255 private pharmaceutical stores;
125 public stores;
3 wholesale distributors.

109. In the private medical sector, there are 32 clinics and 272 doctors' surgeries, almost all of which are in the Dakar area.

110. Trends in the number of inhabitants per health facility between 1988 and 1990 are shown in the table below:

	1988	1990
Hospitals	1/443,809 inhabitants	1/469,010 inhabitants
Health centres	1/151,084 inhabitants	1/156,300 inhabitants
Health stations	1/10,775 inhabitants	1/11,284 inhabitants
Rural clinics	1/5,040 inhabitants	1/4,507 inhabitants

These indicators show that the coverage provided by hospitals, health centres and clinics has not improved in two years because their numbers have increased less rapidly than the population. The World Health Organization's recommended norm is one hospital per 150,000 inhabitants and one health centre per 50,000 inhabitants.

111. In 1989, there were 6.4 hospital beds per 10,000 inhabitants and 8.7 maternity hospital beds per 100,000 women of child-bearing age, i.e. a decrease of 0.1 per cent compared to 1988.

112. Health training activities have covered two areas, namely, vaccination and epidemiological surveillance.

Vaccination coverage

113. The evaluation of the expanded vaccination programme (PEV) gives an overall picture of the vaccination coverage of the children under two years of age. The Bacillus Camette-Guérin (BCG) vaccination coverage is rather good, with an average rate of 89.5 per cent for the two target age groups of children under one year and children between 12-23 months. Diphtheria-Pertussis-Tetanus-Polio (DCTP) vaccination coverage has declined in the 12 to 23-month age group. However, 55 per cent of those children have now been vaccinated, compared to 37 per cent in the case of infants under the age of one year.

114. Tetanus vaccination coverage (VAT) of women who gave birth one year before the survey throughout the country in June 1990 yielded the following rates of coverage for the different vaccinations:

First vaccination - 53 per cent
Second vaccination - 37 per cent
Third vaccination - 60 per cent
Booster - 1 per cent.

Epidemiological surveillance

115. Reported cases of the diseases targeted under the expanded vaccination programme reveal that there have been fresh outbreaks of some of these diseases. For example, 11,478 cases of measles were recorded in 1991 compared to 4,823 cases in 1990. Surveillance under the programme has been carried out on a regular basis, thanks to UNICEF support.

116. Besides the many leprosy, onchocerciasis, blindness, malaria and tuberculosis prevention programmes, activities in the area of sexually-transmissible diseases and AIDS are the responsibility of the anti-AIDS committee. In 1992, 848 cases were diagnosed. One per cent of the total population are HIV infected; 10 to 15 per cent of these are prostitutes and 34 per cent are women with sexually-transmissible diseases. For six years now, the anti-AIDS committee has been very actively engaged in a prevention and information campaign and in sensitizing people to the dangers of a scourge for which the international community has still not found appropriate treatment. Young people in the 15 to 25 age group are the main targets of this national campaign.

117. It should be pointed out that all the general policy measures taken by the Senegalese authorities have a single objective, which is to improve living conditions and the quality of life, and to promote the well-being of all sectors of the population. In June 1989, Senegal adopted a national health policy based on two fundamental principles: (a) all citizens have the right to health; (b) health problems should be addressed within the framework of economic and social development through preventive, educative and social medicine.

118. The main features of this social health policy are: improved health coverage, especially in rural and semi-urban areas, improved maternal and child health, the development of preventive and educative activities; the rationalization and development of human, material and financial resources; and control of demographic variables. One of the key innovations of the Government's health programmes has been to make the most essential medicines available at low cost to the most disadvantaged sectors in both urban and rural areas, through the Bamako Initiative, which has been extended throughout the country.

Articles 25 to 29

119. The right to instruction, education and training is established in several provisions of the Constitution of Senegal. Thus article 6 recognizes the right of every person freely to develop his personality; article 8 recognizes the right of every person to educate himself freely at the sources accessible to all; and article 16 stipulates that the State and the public communities shall create basic conditions and public institutions that ensure the education of children.

120. Article 17 stipulates that the education of young people shall be provided mainly by the State institutions. However, the education provided by the religious communities is also recognized. And article 18 permits private schools to operate with the authorization, and under the supervision, of the State.

121. Pursuant to these constitutional provisions, Act No. 71-36 of June 1971, which was repealed and replaced by Act No. 91-92 of 16 February 1991, defined the character of national education. According to this Act, the basis and purpose of national education are to raise cultural standards and to train free men and women able to create the conditions for their development. The Act recognizes the principle that Senegalese national education is democratic. It takes as its basis the principle that all human beings have the right to receive education and training according to their ability and to participate in production in all its forms according to their capacity. It also recognizes that equality in the diversity of origins and beliefs makes freedom and tolerance the essential features of this national education, and that that equality forms the basis of the secular nature of that education.

122. According to this Act, Senegalese national education is continuous. It offers all citizens the opportunity to be informed and trained in all sectors of employment, by improving their knowledge with a view to social advancement.

123. Depending on the persons to whom it is addressed, the main forms of national education are as follows:

(i) General and technical education and vocational training for children and young people of school and university age;

(ii) Functional literacy education for young persons and adults;

(iii) Continuous training of State employees.

124. As a result of this orientation of legislation concerning national education in Senegal, during the first two decades of sovereignty the country made considerable efforts to establish training structures designed for producers, on the one hand, and for executives and senior technicians, on the other. The aim set was that all Senegalese should receive compulsory primary education.

125. A significant development during the 1980s was the setting-up of organizations, especially in the areas of management and technical education.

126. Following a national conference on education and training, a national education and training reform commission was set up. In its conclusions, the commission recommended that a distinction should be made between technical education preparatory to higher education, and vocational training, which leads directly to an occupation. The commission emphasized the need to establish continuing education, which offers individuals opportunities for retraining and new types of employment.

127. Besides the national conference mentioned above, many institutions and bodies have been set up for the management, support and coordination of vocational training. One instance is the Office of the Secretary of State for Technical Education, which became a Ministry in 1988. Another is the National Office of Vocational Training, which assists the Government in formulating its vocational training policy.

A. Expenditure on education

128. During 1990/91, the Government of Senegal allocated 27 per cent of its budget to education, an amount of approximately CFAF 60 billion. This includes all expenditure on education from the pre-school to higher levels, and part of technical education.

129. Although this expenditure has increased since 1986, many problems still remain, mainly because of the large population increase and the fact that Senegal has a very young population.

130. Expenditure on education and training represents 3.9 per cent of the gross domestic product (GDP) in CFA francs, which works out at about CFAF 8,000 per inhabitant. In 10 years, GDP has grown two and a half times, while expenditure on education has multiplied by 2.3.

B. The social and university infrastructure

Pre-school and primary education

131. In 1990/91, there were 161 pre-school educational institutions throughout the country, 63 per cent of which were private. In primary education, there were 2,453 schools, 92 per cent of which were run by the State.

Middle-level education

132. In 1990/91, at the middle level of education, which includes the general schools (CEGs), the first cycles of lycées and the secondary schools, there were 264 establishments. The numbers of private and public schools are almost the same (134 and 130 respectively).

Secondary education

133. Secondary education includes the second, first and final classes of the State lycées and the private schools. In 1990/91, there were 57 State schools and 26 private schools. There were 11 technical colleges, including 3 in the private sector.

Higher education

134. Higher education is provided in the various faculties of the universities, the university institutes, and the national and inter-State schools. There are two universities in Senegal, one in Dakar and one in Saint-Louis.

135. The University of Dakar has the Faculties of Law and Economics; Arts and Humanities; Science and Technology; and Medicine and Pharmacy. The University of Saint-Louis has been in existence since 1990/91 and has four teaching and research units in the areas of: economics and management; applied mathematics and information science; arts and humanities; legal science. In addition to these two universities, there are many institutions of higher education (institutes and national schools).

C. The teaching corps

136. In 1990, there were 666 teachers in pre-school education, of whom 501 were women; 11,779 teachers in primary education, 3,049 of whom were women (26 per cent); 4,637 teachers in middle-level education, of whom 13 per cent were women; 2,464 teachers in secondary education, of whom 14 per cent were women; and 375 non-Senegalese (15 per cent).

D. School and university students

137. The Senegalese education system has a large number of pupils and students, including those in technical colleges and teacher training colleges.

The figures are:

1988/89	847,949
1989/90	877,752
1990/91	923,564

138. Pre-school education is almost non-existent in Senegal. In 1990/91, only 17,042 children received pre-school education, because of the predominant role of the Koranic schools or "Daara", which are not taken into account in the Ministry of Education statistics, and because this stage of education is regarded as not having priority.

139. In 1990/91, 708,299 pupils were enrolled in primary schools compared to 689,925 in 1989/90 and 658,102 in 1988/89. In 1990/91, girls accounted for 42 per cent of pupils.

140. In 1990/91, 132,000 pupils were enrolled in middle-level secondary schools; 35 per cent were girls.

141. As to higher education, in 1990/91, 17,810 students were enrolled in Sheikh Anta Diop University in Dakar and 595 in the University of Saint-Louis, which was established the same year.

142. The number of candidates successful in the baccalaureate examination increased from 2,428 in 1980/81 to 5,432 in 1989/90 and to 6,934 in 1990/91.

E. Other indicators

143. The illiteracy rate, by age group and sex, is as follows:

Women 15 to 49 years of age: 84.6 in 1978 and 79 per cent in 1988;

Women 15 years of age and over: 82 per cent in 1988;

Men 15 years of age and over: 78 per cent in 1978 and 62.6 per cent in 1988.

144. The school enrolment rate rose from 52.3 per cent in 1983/84 to 58.5 per cent in 1990/91.

145. The double-shift system of classes was introduced in 1986/87 in order to halt the downward trend in the enrolment rate. The size of classes has increased very rapidly (more than fivefold).

146. There is an equal number of teachers and classes, so that in 1991/92 there were nearly 111 pupils per teacher compared to 108 in 1986/87. Teachers working under the double-shift system therefore have a heavier workload than their other colleagues, even though the size of each class is roughly the same. The number of classes was 239 in 1986; 517 in 1987/88; 781 in 1988/89; and 1,259 in 1991/92.

147. Numbers increased from 25,854 in 1986/1987 to 139,314 in 1991/1992.

148. The average number of pupils per class increased from 54 in 1986/1987 to 55 in 1991/1992.

Article 30

149. The population of Senegal constitutes a homogeneous whole that is rich in its diversity. It therefore has no problems of indigenous peoples or ethnic minorities. Ten national languages are spoken in Senegal, and the State has made considerable efforts to promote them and disseminate them by eliminating illiteracy in these languages in both urban and rural areas.

150. With regard to religion, it should simply be noted that the Republic of Senegal is a secular State and freedom of worship is recognized in the Constitution and protected by the Government.

Article 31

151. The right to rest is an inviolable right of all who live and work in Senegal. Thus, in addition to the weekend, which has two rest days, Senegal gives all the Muslim and Christian religious holidays, as well as the international holiday on 1 May and the national holiday.

152. With respect to children, the right to rest is implemented even better in the education system for both them and teaching staff. In this connection, article 36 of the Labour Code provides that children shall have at least 11 consecutive hours of rest per day and that night work for children shall be governed by the provisions of the Washington Convention of 28 December 1937; the Code makes no distinction between children in the matter of the right to rest. The labour and social security inspector is responsible for monitoring enforcement of this legislation. He has important prerogatives in this area, including the power to impose sanctions on any offenders.

153. The right to leisure is granted to every person in Senegal, and especially to children. The public authorities are therefore making great efforts to equip communes and districts with infrastructure for both cultural and sporting leisure activities. Every district has its own sports facilities, and there are libraries and other reading centres in every neighbourhood.

154. Increasingly, government departments and private firms are organizing annual children's holiday camps in Senegal. These events are not in any way regulated but are prompted by recognition of children's right to leisure.

155. The ministries responsible for children's affairs also organize several other events, including:

Opening of children's sections in regional public libraries, with lectures followed by discussions on children's books;

Implementation of culture and reading programmes for children;

Exhibition of art works by children during biennial festivals, cultural weeks, youth weeks, African children's days, children's weeks, children's galas, etc.;

Literary competitions for children;

Artistic and writing workshops within the framework of the international book and teaching material fair;

Upgrading of sporting activities to enable points to be scored in official competitions;

Establishment of children's homes and institutes of excellence for the most outstanding school pupils.

Article 32

156. It should be recalled at this point that the Constitution of Senegal, in article 15, second paragraph, provides that the State and local public communities shall protect the country's youth from exploitation and moral neglect. This principle is also embodied in the Labour Code, article 140 of which provides that children may not be employed in any undertaking before the age of 14, even as apprentices, unless an exception is made.

157. Article 141 adds that the Labour Inspector may require children to be examined by an approved doctor in order to establish that the work they are asked to do is not beyond their strength, and that this requirement is a matter of right, at the request of the persons concerned. A child may not be kept in a job which is thus recognized as being beyond his strength and must be assigned to a suitable job, failing which the contract must be executed with payment of compensation for notice to the worker.

158. Article 142 of the Code recognizes and establishes the mandatory nature of the weekly rest period of 24 consecutive hours for all workers; this may be waived, in accordance with conditions established by decree. Article 136 of the Code, which particularly concerns rest periods for children, sets their minimum duration at 11 consecutive hours.

159. Two regulatory enactments establish how exceptions to the weekly rest period are to be implemented in public undertakings and services and in private undertakings. Decree No. 70-917 of 20 July 1970, concerning the duration of work and weekly rest period in public services and establishments, while accepting the principle of exceptions in articles 6 and 7, specifies that they apply only to adult workers.

160. Decree No. 73-085 of 30 January 1993, establishing procedures for the implementation of the weekly rest period in private undertakings, also

provides that exceptions to the rest periods provided for in articles 10 and 13 shall not apply to children under 13 years of age.

161. The same protection for working children is also provided for in article 70 of the Labour Code, which relates to the duties of instructors of apprentices. According to that article, instructors must immediately notify the parents of their apprentices in the case of illness or absence which might call for action by them. Similarly, they must give their apprentices only jobs that are within the limits of their strength and work and services relating to their vocational training; they are also required to adopt a fatherly attitude towards their apprentices.

162. Similarly, article 85 on the clauses which must be included in collective agreements liable to extension provides for inclusion in those clauses of special working conditions for young people in certain undertakings subject to those agreements.

163. Article 109 provides that housing conditions for girls not living with their families because of their status as employees shall be determined by a decree issued following consultation with the National Labour and Social Security Advisory Council.

164. Reference should also be made to the social protection provided to minors who are victims of procuring by the Penal Code, article 324 of which makes their age an aggravating circumstance; this also obtains if the procurer is the father, mother or guardian of the child.

165. This is also the case with any person who incites, encourages or facilitates debauchery or corruption of young people of either sex under 21 years of age.

Article 33

166. Drug abuse has become an unquestionable danger and veritable scourge for mankind in so far as it strikes mankind at its most sensitive levels, i.e., among young people. Drugs destroy the will, human relationships and social well-being of individuals who are addicted to them, since drug-dependent persons suffer and, in the belief that they will escape their suffering, encounter worse suffering. Drugs kill those who believe they can live off them, since persons who consume them gradually shut themselves off from their families, their friends, society and life itself.

167. The phenomenon of drugs in Senegal is particularly disquieting, especially in the capital Dakar, where the streets are full of people, some very young, affected by this scourge, who are a real danger to society because of their very violent nature. This situation is accounted for by the fact that Dakar is both the political capital and the economic centre of Senegal and has a very high population density; at the same time it occupies a pivotal position between Europe, the Americas and Asia, which are all areas of production and consumption.

168. As things stand, it is difficult, if not impossible, to give an exact figure for the number of drug addicts living in Dakar. However, a recent study on the assessment of drug addiction gives the following data for the 10-year period 1980-1990:

(a) Consultations in the various psychiatric services for drug addiction increased from 8.5 per cent of total consultations in 1980 to 12 per cent in 1987, and to 25 per cent in 1990;

(b) Of the children placed in safeguard centres who were considered to be in moral and social danger, the proportion charged with the use of, and traffic in, drugs is 52 per cent;

(c) The proportion of juveniles identified as drug addicts rose from 0 per cent in 1982 to 21 per cent in 1986 and 36 per cent in 1990;

(d) Police statistics show the same trend, with 679 persons arrested in 1984 for use of, and traffic in, drugs:

2,108 persons in 1967;
2,525 persons in 1989;
3,206 persons in 1990;

(e) In epidemiological terms, the various studies show that drug addiction affects more men than women. However, female delinquency in this regard is considerable, more than 300 women and girls having been arrested for the use of, or traffic in, cannabis and psychotropic substances;

(f) The basic product of this drug addiction in Dakar is cannabis, production of which is mounting alarmingly at the national level, more than 70 tons being seized in 1990. This can be explained by the relatively modest cost of the daily dose (CFAF 300) and the availability of the product on every street-corner (bridges, vendors, bus and train stations);

(g) The other cause of drug addiction is constituted by the psychotropic drugs which arrive in Senegal in large quantities from the Eastern bloc countries and certain neighbouring countries; more than 200,000 tablets were seized in 1990.

169. Because of this dramatic situation created by the scourge of drugs in Senegal, the authorities reacted at a very early stage, once our country had achieved national sovereignty. This reaction constitutes a fight for freedom, dignity and life, since drugs attack and destroy young people, who are the most precious asset of nations.

170. This is why, internationally speaking, Senegal is a party to the three main conventions combating drug abuse and illicit traffic in drugs, namely:

Single Convention on Narcotic Drugs of 1961;

Convention on Psychotropic Substances of 1971;

United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

171. Domestically, stress is laid as a matter of priority on the prohibition and punishment of drug offences.

172. The Penal Code provides for prison sentences of 10 years and a fine of CFAF 10 million for illicit traffic in drugs, and makes the use of juveniles for the purposes of illicit traffic an aggravating circumstance as regards penalties.

173. Following the historic 1987 Conference on Drug Abuse and Illicit Trafficking in Vienna, Senegal drew up a national strategy to combat the abuse of, and traffic in, drugs based on a multidisciplinary pattern adopted by the Conference.

174. Locally, the decentralized communities (communes, rural communities) have set up programmes to combat the scourge of drugs.

Article 34

175. See comments on articles 39 and 10.

Article 36

176. See comments on article 11.

Article 37

177. While children receive special treatment under Senegalese legislation as a whole, the treatment of children in criminal proceedings illustrates the particular desire of the authorities to protect children.

A. Special treatment of juveniles with regard to sentencing

178. Criminal procedure in Senegal takes great account of the particular situation of a juvenile who is charged with an offence. It lays particular stress on opportunities for rehabilitation and social reintegration. Prison sentences are therefore rarely handed down.

179. This attitude on the part of the legislature is clearly expressed in articles 565, 566 and 567 of the Code of Criminal Procedure, which specify in detail the special treatment to be given to young offenders or juveniles in moral or social danger.

180. Under article 565, any juvenile under 21 years of age who is a delinquent or in moral danger is liable only to measures which take predetermined forms. The first of these measures is established in article 566 and gives the juvenile courts exclusive jurisdiction over all serious or ordinary offences committed by juveniles under 18 years of age, specifying that when the year of birth is known, the juvenile is presumed to have been born on 31 December of that year. A juvenile court exists within each regional court.

181. Article 567 sets out the principle whereby juvenile courts decide on a case-by-case basis on measures of protection, assistance and education as they deem appropriate. However, as the text states, when the circumstances and personality of the young offender so require, the juvenile court may convict a juvenile 13 years of age, but must conform to the provisions of articles 52 and 53 of the Penal Code, to which we shall return later. However, the text adds that such convictions are always subject to amendment or review.

182. The Code of Criminal Procedure also states this desire for special treatment for young offenders in articles 569 et seq. concerning rules for prosecution, investigation and judgement. In the case of prosecution, article 570 states that in each regional court a deputy public prosecutor shall be given the specific task of following the case records concerning juveniles along with his other duties.

183. The prosecution service may decide whether or not an investigation should be initiated depending on the seriousness of the case and the personality of the young offender. Similarly, at any stage in the proceedings, the prosecution service may refer to the president of the juvenile court so as to take all necessary measures to settle the case. Thus, when the juvenile has been convicted by the same court less than a year previously and commits another offence, the prosecution service may attach the report of the previous case and submit it directly to the president of the juvenile court, who may then take any measure deemed appropriate vis-à-vis the juvenile.

184. Article 572 gives exclusive jurisdiction to the prosecution service attached to the juvenile court for the prosecution of all serious and ordinary offences committed by young persons under the age of 18. This is also the case with offences whose prosecution is the responsibility of a public authority.

185. In the case of a first offender, the prosecution service may, with the agreement of the claimant for indemnification if any, merely caution the juvenile concerned.

186. When a juvenile is prosecuted in the same case as an adult, the prosecution service may in no circumstances send the juvenile before the court which hears flagrant offences. He must be the subject of an information laid before the investigating magistrate.

187. Article 573 entrusts the investigation of cases concerning young offenders to an examining magistrate specifically responsible for such matters. He possesses all powers of investigation to enable him to ascertain the truth. Through his investigation he collects information on the material and moral situation of the juvenile's family, his character and background, his school attendance record, his attitude at school and the circumstances in which he was brought up.

188. This investigation is made the responsibility either of the social service of each regional court or of an expert specially appointed by the examining magistrate, whose expenses are payable by the State.

189. In the light of the results of the investigation, the magistrate may decide to place the minor in a reception or observation centre, or he may order neither of these measures in the minor's own interests. In all cases he is required to advise the minor's parents of the proceedings initiated. If no defence counsel is chosen, the magistrate asks the President of the Bar Association to appoint one.

190. At the end of the investigation, article 574 provides that the examining magistrate shall, depending on the case, issue an order referring the minor to the juvenile court to stand trial for the serious or ordinary offence with

which he is charged, or an order of disqualification and committal to the police court, or an order of dismissal if no offence has been committed.

191. In the last-mentioned case, the examining magistrate may caution the minor or, if he considers it appropriate, hand him over to his parents, his guardian or to a person of confidence, ordering him to be kept under non-custodial supervision until he reaches the age of 21.

192. Under article 578 of the Code of Criminal Procedure, young offenders are tried by the juvenile court, which gives judgement after hearing the minor, the witnesses, the parents, the guardian, the prosecution service and defence counsel. For purposes of information, the court may hear any adult joint wrongdoers or accomplices.

193. If the interests of the minor so require, the court may dispense him from appearing at the hearing, in which case he is represented by his counsel and by his moral representative, if the latter so wishes. The decision handed down is the result of adversary proceedings. Article 579 determines the course of the hearing in the juvenile court, which considers each case separately and in the absence of all the other accused.

194. The only persons permitted to attend the proceedings are the witnesses in the case, near relatives, the guardian, members of the Bar, the representatives of the services and institutions responsible for children, and the official responsible for non-custodial supervision.

195. The president may at any time require the minor to withdraw from the hearing. The judgement is handed down in a closed hearing in the presence of the minor. It is strictly forbidden to publish in any form particulars of the identity or personality of the minor, offenders being liable to a prison sentence of between two months and two years and a fine of between CFAF 20,000 and 500,000.

196. Article 580 provides that if preventive treatment is called for, the court may, in a substantiated decision, order one of the following measures for the minor in question:

He may be handed over to his parents, guardians or a person of confidence;

He may be placed in an authorized educational or vocational training establishment or institution;

He may be placed in an authorized medical or medical-teaching establishment;

He may be placed in a suitable remand school for school-age offenders.

197. In all cases, the measures are ordered for a number of years which may not extend beyond the minor's coming of age at 21 and which, in accordance with article 582, must be specified in the judgement, which may be combined with provisional execution, notwithstanding objection or appeal.

198. Article 588 provides that juvenile court decisions are open to all types of recourse: objection, appeal or application for judicial review. This is a right of the minor, his legal representative and the office of the public prosecutor.

199. In cases in which the sentence should be capital punishment or imprisonment, given the juvenile's status and the circumstances of the case the juvenile court must conform to the provisions of articles 52 and 53 of the Penal Code. Sentences in such cases shall be as follows:

(a) If the penalty for which the offender is liable is death or forced labour for life, the court shall hand down a prison sentence of between 10 and 20 years;

(b) If the penalty is forced labour for between 10 and 20 years or between 5 and 10 years, the court shall hand down a prison sentence for a term equal to half of one of these two penalties;

(c) If the penalty is civic dishonour, the court shall hand down a prison sentence of a maximum of two years.

B. Special treatment of juveniles in custody

200. The imprisonment of juveniles is a strictly exceptional measure; this is why the legislature, in several provisions of the Code of Criminal Procedure, has defined the conditions in which imprisonment is to be enforced.

201. Provision is made for special treatment, initially, during police custody in a police or gendarmerie station. Article 55, paragraph 4, of the Code of Criminal Procedure provides that in such cases the police officer shall keep the juvenile in special premises isolated from adult detainees.

202. Article 690 of the Code of Criminal Procedure lays down the principle that, in prison establishments, the distribution of convicted persons shall take account of their criminal category, sex, age, state of health and personality.

203. Convicted offenders, whose sentence is due to terminate before they reach the age of 18 may be held in prison establishments which can provide them with schooling or vocational training.

204. Lastly, article 578 of the Code provides that the examining magistrate dealing with a case involving a juvenile must, if he decides to order him to be provisionally detained, specifically substantiate his decision, which may be implemented only if it is impossible to make any other arrangement. In this case, the imprisoned juvenile must be kept in a special sector of the prison or, if there is none, in special premises and, as far as possible, be kept apart from other prisoners at night.

Article 38

205. Senegal's legislation on recruitment into the armed services and military service is based on both obligation and voluntary service. The age established by law is between 18 and 21 years.

206. After 24 months of voluntary service, a serviceman can choose between remaining in the armed forces and being placed on the army availability or reserve list.

207. In all cases, the purpose of Senegal's participation in armed conflicts is to keep peace among peoples; those soldiers who take part are experienced professionals.

Articles 39 and 40

208. See comments on article 37.

Articles 41 and 42

209. The existence, since 1991, of a Ministry for Women, Children and the Family bears witness to the desire of the authorities at all times to manifest their interest in these vulnerable sectors of Senegal's population.

210. For this reason, this Ministry has set up a broad programme to propagate the rights contained in the Convention on the Rights of the Child and the rights of women as specified in the relevant conventions. This programme also comprises the participation of the public and private media, which have already been made aware of these rights through seminars and workshops for communication experts.

211. The programme also includes a "Children's Week" inaugurated by the Government and organized by the Ministry for Women, Children and the Family; this "Week" is organized every December and provides an opportunity to disseminate and comment on all the rights defined in this Convention for the benefit of both children and parents.

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